

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES NOVEMBER 20, 2019

The American Fork City Planning Commission met in a regular session on November 20, 2019 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

Present: John Woffinden
Chris Christiansen
Christine Anderson
Rod Brocious
Harold Dudley
Ryan Hunter
Geoff Dupaix

Absent:

Staff Present: Scott Sensanbaugher, City Engineer
Wendelin Knobloch, Planner
Lisa Halversen, Administrative Assistant

Also Present:

1. Pledge of Allegiance

Chairman Woffinden welcomed everyone and those present recited the Pledge of Allegiance.

2. Hearing, review and action on an ordinance relating to cannabis cultivation and processing.

Mr. Knobloch stated that the Planning Division has been in coordination with the City Attorney's office in drafting an ordinance regulating cannabis cultivation and processing facilities. Recent changes to State Law permit the cultivation, processing, and location of such facilities. Unless jurisdictions further identify zones in which facilities may locate, State Law allows a more-broad interpretation on their location.

The draft ordinance proposes two zones for the cultivation and processing of cannabis; the RA-5 zone for cultivation, and the I-1 zone for processing. Pharmacies dispensing cannabis product are allowed in any zone other than residential, and a population cap is set; ensuring limited location(s).

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Mr. Knobloch displayed the proposed ordinance:

ORDINANCE NO. _____

AN ORDINANCE OF AMERICAN FORK CITY, UTAH, GOVERNING CANNABIS PRODUCTION
ESTABLISHMENTS AND CANNABIS PHARMACIES

WHEREAS, Title 4, Chapter 41a of the Utah Code allows for the establishment of Cannabis
Production establishments and requires municipalities to permit Cannabis Production Establishments in
at least one agricultural or industrial zone;

WHEREAS, Title 26, Chapter 61a of the Utah Code requires municipalities to permit Medical
Cannabis Pharmacies in any zone not established primarily for residential use; and

WHEREAS, Title 4, Chapter 41a and Title 26, Chapter 61a of the Utah Code allow municipalities
to enact regulations and conditions upon Cannabis Production Establishments and Medical Cannabis
Pharmacies relating to cultivation, business operations and licensing and that such regulation do not
conflict with the state code.

NOW THEREFORE, be it ordained by the City Council of American Fork City, State of Utah, that:

Section _____.____.____ Title.

The provisions in this chapter shall be known and may be referred to as Cannabis Production
Establishments and Medical Cannabis Pharmacies Ordinance.

Section _____.____.____ Conformance With Existing Laws and Regulations.

Nothing in this chapter shall be deemed to permit or allow cannabis production establishments
in any manner which is contrary to applicable federal or state statutes regulating such business.
Additionally, cannabis production establishments shall comply with all applicable city codes and
ordinances.

Section _____.____.____ Definitions.

For purposes of this chapter, the definitions in Title 26, Chapter 61a, the Utah Medical Cannabis
Act and Title 4, Chapter 41a, Cannabis Production Establishments, of the Utah Code, as may be
amended, are hereby adopted and incorporated into this Chapter.

The following words shall have the following meanings:

Cannabis Production Establishment means a cannabis cultivation facility, a cannabis processing facility,
or an independent testing laboratory.

Community location means:

- A. all public or private schools;
- B. licensed child-care facilities;
- C. licensed preschools;

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- D. trade or technical schools;
- E. churches;
- F. public libraries;
- G. public parks and playgrounds;
- H. youth centers or other spaces used primarily for youth oriented activities;
- I. public recreational facilities; or
- J. public arcades.

Zones Established Primarily for Residential Use means, for purposes of this Chapter and any applicable state law, the following zoning districts in American Fork City:

- A. RA-1
- B. One and Two Family Residential Zones as established in 17.3.101
- C. Multi-family Residential Zones as established in 17.3.101

Section __.__.__ License Required.

It is unlawful for any person to operate a Cannabis Production Establishment or Medical Cannabis Pharmacy within American Fork City without first obtaining a Cannabis Production Establishment or Medical Cannabis Pharmacy license from the City. The Cannabis Production Establishment or Medical Cannabis Pharmacy business license shall specify the type of business for which it is obtained.

Section __.__.__ Premises Location.

- A. Operation of a Cannabis Processing Facility shall be a permitted only in the Industrial-1 (I-1) zone.
- B. Operation of a Cannabis Cultivation Facility shall be permitted only in the Residential Agriculture-5 (RA-5) zone.
- C. Operation of a Medical Cannabis Pharmacy shall be a permitted use in all zones except those Zones Established Primarily for Residential Use.
- D. No business license shall be provided to a Cannabis Production Establishment or Medical Cannabis Pharmacy if it is located within:
 - a. 1,000 feet of a community location;
 - b. 600 feet from Zones Established Primarily for Residential Use; or
 - c. 1,000 feet of any other Cannabis Production Establishment or Medical Cannabis Pharmacy.
- E. For purposes of this section, proximity requirements shall be measured in a straight line from the nearest entrance of the Cannabis Production Establishment or Medical Cannabis Pharmacy to the nearest property boundary of the community location or Zone Established Primarily for Residential Use by following the shortest route or ordinary pedestrian travel, without regard to intervening structures or zoning districts.

Section __.__.__ Land Use Permit.

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- A. A Cannabis Production Establishment or Medical Cannabis Pharmacy must obtain a land use permit from American Fork City, which the City shall issue in writing upon a showing that the proposed Establishment or Pharmacy and the corresponding facilities and operations comply with the provisions of this Chapter and with Title 4, Chapter 41 or Title 26, Chapter 61a of the Utah Code, as may be applicable to the proposed use.
- a. A Cannabis Production Establishment or Medical Cannabis Pharmacy seeking a land use permit shall provide to the American Fork Police Department a copy of its state approved security plan for securing the operations so as to prevent the theft, embezzlement or illegal use and/or distribution of cannabis from the Establishment or Pharmacy.

Section _____.____.____ Standards for Cannabis Production Establishment.

- A. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing and testing of cannabis occurs.
- B. No signage is allowed for Cannabis Production Establishments.

Section _____.____.____ Standards for Medical Cannabis Pharmacies.

- A. Drive through service shall not be allowed.
- B. Outdoor seating areas shall be prohibited.
- C. Outdoor vending machines shall be prohibited.
- D. Direct or home delivery service shall be prohibited.
- E. Permitted hours of operation are 8:00 a.m. to 8:00 p.m.
- F. The maximum size of a Medical Cannabis Pharmacy shall be 3,000 square feet.
- G. No more than one (1) Medical Cannabis Pharmacy shall be permitted in the City for every 135,000 residents.
- H. No cannabis products shall be visible from outside a Medical Cannabis Pharmacy building.
- I. Signs shall be limited to one wall sign on the front face of the building, not to exceed five percent (5%) of the first story building face of the front face of the building.

PASSED AND ADOPTED BY THE AMERICAN FORK CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY:

MAYOR BRADLEY J. FROST

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1 Mr. Dupaix asked about cultivation proximity restrictions relating to the agricultural zones. As
2 more farmland is converted to residential use, would cultivation areas end up being
3 grandfathered in? If a cannabis farm is approved in a R5 zone, and the surrounding area is
4 rezoned, could homes be closer to it than proximity requirements allow?

5 Mr. Knobloch said that would probably be a legal question.

6 Ms. Anderson asked about the 1000 ft proximity requirement, she is wondering if the proximity
7 requirements can be made larger by the city.

8 Mr. Knobloch said that it is his understanding that the 1000 ft proximity requirement is now in
9 state law, and that state law preempts municipalities.

10 Mr. Brocious asked if cultivation refers to open farming, or if the cultivation is enclosed in a
11 greenhouse.

12 Mr. Knobloch replied that he believes it refers to either scenario, the method of cultivation is not
13 specifically addressed.

14 Chairman Woffinden stated that since the state legalized marijuana, cities all across the state are
15 in a quagmire trying to figure out what the requirements are.

16 Mr. Dupaix wondered if this is the appropriate time or are we trying to get ahead of the curve.

17 Mr. Knobloch indicated that the city is trying to get requirements nailed down before it becomes
18 an issue. If a city doesn't specify zoning requirements, the state may take a less restrictive view
19 than the city would have preferred.

20 Ms. Anderson asked where the 135k population number for dispensaries came from, was that a
21 city attorney decision or a state number?

22 Mr. Knobloch replied that this number came from the city attorney's work and research. In
23 essence, the city of American Fork would have one dispensary.

24 Mr. Dupaix requests that more clarification about the grandfathering issue be conveyed to
25 commission.

26 Chairman Woffinden asked when this issue will be before council, Mr. Knobloch replied that it
27 will be in about 3 weeks.

28

29 **Public Hearing Opened**

30

31 **Public Hearing Closed**

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1 Mr. Brocious moved to recommend approval of the proposed ordinance.

2 Mr. Christiansen seconded the motion. Voting was as follows:

3	Chairman Woffinden	Aye
4	Chris Christiansen	Aye
5	Christine Anderson	Aye
6	Geoff Dupaix	Aye
7	Harold Dudley	Aye
8	Ryan Hunter	Aye
9	Rod Brocious	Aye

10 The motion carried.

11
12
13 3. Other Business

14
15 Chairman Woffinden indicated that there will be two meetings in December and two in January.
16 The dates for December will be the 4th and 18th, January dates will be the 8th and 22nd. There is
17 also a new commissioner, Ryan Hunter. The chairman asked Mr. Hunter to tell a little about
18 himself.

19
20 Mr. Hunter stated that he was born and raised in American Fork, his family lives in a home that
21 his grandfather built in the 1960's on 100 East near the Jr. High. He worked for the Bank of
22 American Fork for over 12 years, he now works for Sirq Construction. He and his wife have 7
23 children and their family enjoys and owns horses.

24
25 4. Site Plan Committee Report

26
27 Mr. Knobloch reviewed the upcoming Planning Commission items, these include the
28 developments moving through TRC. The next meeting will be held on December 4, 2019.
29 Items on the agenda will be some General Plan elements, and possibly some private
30 development items if they meet all the conditions.

31
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33 5. Review and action on the minutes of the November 6, 2019 Planning Commission
34 Regular Session

35
36 Ms. Anderson moved to approve the minutes of the November 6, 2019 Planning Commission
37 Regular Session.

38
39 Mr. Christiansen seconded the motion. Voting was as follows:

40	Chairman Woffinden	Aye
41	Chris Christiansen	Aye
42	Christine Anderson	Aye
43	Geoff Dupaix	Abstain

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Harold Dudley

Aye

Ryan Hunter

Abstain

Rod Brocious

Aye

The motion carried.

6. Adjournment

Mr. Dupaix moved to adjourn.

Mr. Brocious seconded the motion. All concurred.

Meeting adjourned at 7:30 pm.



Lisa Halversen, Administrative Assistant